

Agriculture Committee

Wednesday, February 22, 2006 1:30pm - 4:30pm 214 The Capitol

ACTION PACKET

Committee Meeting Notice HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Agriculture Committee

Start Date and Time: Wednesday, February 22, 2006 01:30 pm

End Date and Time: Wednesday, February 22, 2006 04:30 pm

Location: 214 Capitol **Duration:** 3.00 hrs

Consideration of the following bill(s):

 ${\sf HB}$ 507 Exemptions from the Tax on Sales, Use, and Other Transactions by Kreegel ${\sf HB}$ 641 Animal Service Providers by Russell

Consideration of the following proposed committee bill(s):

PCB AG 06-01 -- Department of Agriculture and Consumer Services

Interim project presentations:

Aerial Fire Suppression

Review of Florida Agricultural Best Management Practices (BMPs)

Burn Authorization Process, Florida Department of Agriculture & Consumer Services' Division of Forestry

NOTICE FINALIZED on 02/10/2006 14:45 by SIMS-DAVIS.LINDA

02/23/2006 9:06:29AM **Leagis ®** Page 1 of 1

Agriculture Committee

2/22/2006 1:30:00PM

Location: 214 Capitol

Attendance:

	Present	Absent	Excused		
Ralph Poppell (Chair)	X				
Bruce Antone	X				
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X		<u></u>		
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel	X				
Baxter Troutman	X				
Shelley Vana	X				
Totals:	10	0	0		

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Agriculture Committee

2/22/2006 1:30:00PM

Location: 214 Capitol

HB 507 : Exemptions from the Tax on Sales, Use, and Other Transactions

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel			X		
Baxter Troutman			X		
Shelley Vana			X		
Ralph Poppell (Chair)	X				

HB 507 Amendments

Amendment 1



Appearances:

Tax Exemption
Doug Mann (Lobbyist) - Proponent
FNGLA
310 West College Avenue
Tallahassee FL 32301
Phone: (850) 222-7535

Tax Exemption
Butch Calhoun (Lobbyist) - Proponent
FL Fruit and Vegetable Association
P.O. Box 1110
Tallahassee FL 32302
Phone: (850) 521-0455

Tax Exemption
Ben Parks (Lobbyist) - Proponent
FL Farm Bureau
315 S. Calhoun Street # 850
Tallahassee FL 32301
Phone: (850) 222-2557

Print Date: 2/23/2006 8:30 am

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Amendment No. (for drafter's use only)

Bill No. HB 507

COUNCIL/COMMITTEE ACTION

ADOPTED _____(Y/N)
ADOPTED AS AMENDED _____(Y/N)
ADOPTED W/O OBJECTION _____(Y/N)
FAILED TO ADOPT _____(Y/N)
WITHDRAWN _____(Y/N)
OTHER

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Council/Committee hearing bill: Agriculture

Representative Kreegel offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Paragraph (a) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

- (5) EXEMPTIONS; ACCOUNT OF USE. --
- exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock;

Amendment No. (for drafter's use only)

portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock, seedlings, cuttings, or other propagative material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; generators used on poultry farms; and low-volume or micro-irrigation equipment or components as defined in s. 212.02(33), used in agricultural production liquefied-petroleum-gas or other fuel used to heat a structure in which started pullets or broilers are raised; however, such exemption shall not be allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein. Also exempt are cellophane wrappers, glue for tin and glass (apiarists), mailing cases for honey, shipping cases, window cartons, and baling wire and twine used for baling hay, when used by a farmer to contain, produce, or process an agricultural commodity.

Section 2. Subsection (33) is added to section 212.02, Florida Statutes, to read:

212.02 Definitions.--The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(33) "Low-volume or micro-irrigation" means the frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes. Low volume and micro-irrigation systems are designed to deliver water at a rate of 45 gallons per hour or

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Amendment No. (for drafter's use only)

less per exit point. The physical components required to apply water by micro-irrigation include all equipment and system components necessary to transport water from the pump or pumping station to the crop through the low-volume or micro-irrigation system. System components include pumps, pumping stations, control stations, filtration equipment pressure regulators, piping, tubing, emitters, valves, fittings, gauges, sensors, sprinklers, and safety devices.

Section 3. This act shall take effect upon becoming a law.

========= T I T L E A M E N D M E N T ============

Remove the entire title and insert:

amending s. 212.08, F.S.; including in the exemption for items in agricultural use certain agricultural or farm equipment used for low-volume or micro-irrigation; amending s. 212.02, F.S.; providing a definition for low-volume or micro-irrigation; providing an effective date.

Agriculture Committee

2/22/2006 1:30:00PM

Location: 214 Capitol

HB 641: Animal Service Providers

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone		Х			
Edward Bullard	X				
Larry Cretul	X		-		
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel	X				
Baxter Troutman	X				
Shelley Vana	X				
Ralph Poppell (Chair)	X				

HB 641 Amendments

Amendment 1

X Adopted Without Objection

Amendment 1a

X Adopted

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Edward Bullard	X				
Larry Cretul	<u>X</u>				
Denise Grimsley	X				
Paige Kreegel		X			
Sheri McInvale	X				
Dwight Stansel	X				
Baxter Troutman		X			
Shelley Vana	X				
Ralph Poppell (Chair)	X				
	Total Yays: 8	Total Nays:	2		

Appearances:

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Agriculture Committee 2/22/2006 1:30:00PM

Location: 214 Capitol

Animal Health

Dr. Stephen Shores (General Public) - Opponent

FL Veterinaryan Medical Association

3811 NW 13th Street Gainesville FL 32609 Phone: (352) 372-8387

Animal Health

Ben Parks (Lobbyist) - Proponent

FL Farm Bureau

315 S. Calhoun Street # 850

Tallahassee FL 32301 Phone: (850) 222-2557

Animal Health

Chuck Smith (Lobbyist) - Proponent

FL Poultry Federation 4508 Oak Fair Blvd

Tampa FL 33610

Phone: (813) 628-4551

Animal Health

Larry Williams (Lobbyist) - Proponent

106 East College Ave.

Tallahassee FL 32302

Phone: (850) 224-9634

Animal Health

Sam Ard (Lobbyist) - Proponent

P.O. Box 10406

Tallahassee FL 32301

Phone: (850) 577-6500

Animal Health

Doug Mann (Lobbyist) - Proponent

310 West College Avenue

Tallahassee FL 32301

Phone: (850) 222-7535

Animal Health

Nancy Stephens (Lobbyist) - Proponent

11445 Moccasin Gap Road

Tallahassee FL 32309

Phone: (850) 893-0693

Animal Health

Sue Noyes (General Public) - Proponent

5800 Veterans Memorial Drive

Tallahassee FL 32309

Phone: (850) 893-0277

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Agriculture Committee 2/22/2006 1:30:00PM

Location: 214 Capitol

Animal Health

Larry & Ann Harper (General Public) - Proponent

FL Alliance of Animal Owners Rights

1550 SE 175th Street Tallahassee FL 34491 Phone: (352) 585-6070

Animal Health

Medora Mullins - Proponent 11557 Sorrento Road Pensacola FL 32507 Phone: (850) 492-0928

Animal Health

Uta Peters (General Public) - Proponent 334 Old Bethel Road Crawfordville FL 32327

Phone: (850) 926-4348

Animal Health

Gleneen Hill (General Public) - Proponent

322 Ace High Stable Road Crawfordville FL 32327 Phone: (850) 421-2722

Animal Health

David McInnes - Proponent

FL Department of Agriculture & Consumer Services

PL 10, The Capitol Tallahassee FL 32399 Phone: (850) 488-3022

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Bill No. HB 641

COUNCIL	COMMITTEE	ACTION
COOMCITY	COMITTIES	$\Delta C T T O N$

ADOPTED	(Y/N
ADOPTED AS AMENDED	(Y/N
ADOPTED W/O OBJECTION	—(Y)/N
FAILED TO ADOPT	(Y/N
WITHDRAWN	(Y/N
OTHER	

Committee hearing bill: Agriculture

Representative Poppell offered the following:

Amendment

Remove everything after the enacting and insert:

Section 1. Subsection (5) is amended and subsection (9) is created in section 474.203, Florida Statutes, to read:

474.203 Exemptions. -- This chapter shall not apply to:

employee, or independent contractor administering to the ills, ex injuries, wellness, or normally accepted animal husbandry practices of her or his own animals, including, but not limited to, castration, spaying, farriery, non-mechanical hand floating of teeth, debeaking, parasite control and dehorning of herd, livestock or flock animals, unless title has been transferred or employment provided for the purpose of circumventing this law. This exemption shall not apply to out-of-state veterinarians practicing temporarily in the state. However, only a veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance.

- (9) (a) An independent contractor who, under the supervision of a person who is administering to the wellness, ills or injuries of his or her own livestock, herd, or flock animals, provides any of the following health care services to such animals: acupressure, aromatherapy, animal communication, farriery, flower essence therapy, homeopathy, light therapy, magnet therapy, massage or other touch therapies, hydrotherapy, nutritional counseling and manual equine teeth floating. For purposes of this subsection, the above described services are nonmedical, which means non-prescription and non-surgical.
- (b) An independent contractor who provides nonmedical health care services described in this subsection for livestock, herd, or flock animals and is not a veterinarian shall:
 - 1. Obtain an occupational license.
- 2. Advise each owner of an animal that will be treated of her or his knowledge or experience with the services that will be provided.
- 3. Provide her or his credentials upon the request of each owner of an animal that will be treated.
 - 4. Not engage in animal cruelty.
- 5. Not advertise in any way that implies that she or he is a veterinarian.
 - 6. Not diagnose or prognosticate.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

	Committee on
	Date
	HOUSE AMENDMENT FOR DRAFT (may be used in Committee, but n
mendment No	0

PLORIDA	Action	
HOUS	SE AMENDMENT FOR DRAFTING PURPOSES ONLY (may be used in Committee, but not on House Floor)	
Amendment No.	Bill No. <u>441</u>	
	h the Clerk, Committee and Member Amendments must be prepared on comp Committee on Janua	uter)
offered the following an	nendment: to the amendment	
Amendment petween	inn , line 44:45, unsurt	
demo 2008, educa schoo comp minin 1. An 2. Arc 3. Flo 4. Ho 5. Lig 6. Ma 7. An 8. Hy	or independent contractors offering the following services, they must be ablustrate, upon request of the animal owner or an agency of the state, beginning, that they have completed the following minimum specified hours of training ation in the field, which may include seminars, online education, classes, cools, internships or apprenticeships, case studies, individual tutoring, or distributed training. An internship or apprenticeship may comprise up to 25% of the num training or education hours. Similar acupressure — 120 hours Sometherapy — 50 hours, including 5 hours related to animals ower essence therapy — 50 hours, including 5 hours related to animals of the state of the state, but therapy — 20 hours, including 20 hours related to animals agent therapy — 20 hours Signet therapy — 20 hours Signet therapy — 15 hours	ing July 1, ng or ourses, ibutor or
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Agriculture Committee 2/22/2006 1:30:00PM

Location: 214 Capitol

PCB AG 06-01 : Department of Agriculture and Consumer Services

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone			X		
Edward Bullard	X				
Larry Cretul	X				
Denise Grimsley	X				
Paige Kreegel	X				
Sheri McInvale	X				
Dwight Stansel			X		
Baxter Troutman			X		
Shelley Vana			X		
Ralph Poppell (Chair)	X				
	Total Yeas: 6	Total Nays:	: 0		

PCB AG 06-01 Amendments

Print Date: 2/23/2006 8:30 am

Amendment 1

X Adopted

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Agriculture Committee 2/22/2006 1:30:00PM

Location: 214 Capitol

Other Business Appearance:

Interim Projects

Brian McKee (State Employee) - Information Only

DACS

3282 Capital Circle SW Tallahassee FL 32310 Phone: (850) 488-0959

Interim Projects

Michael C. Long (State Employee) - Information Only DACS/Division of Forestry

3125 Conner Blvd Tallahassee FL 32399 Phone: (850) 488-4274

Interim Projects

Alan Shelby (Lobbyist) (At Request Of Chair) - Proponent FL Foresty Assocation 402 East Jefferson Street Tallahassee FL 32301

Phone: (850) 222-5646

Interim Projects

Billy Howell (General Public) - Information Only

P.O. box 658

Tallahassee FL 39818 Phone: (229) 246-8200

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Amendment No. (for drafter's use only)

Bill No. PCB AG 06-01

- 1	B111 No. 202 130 13
	COUNCIL/COMMITTEE ACTION
	ADOPTED (Y/N)
	ADOPTED AS AMENDED (Y/N)
	ADOPTED W/O OBJECTION (\vartheta\)/N)
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Committee hearing bill: Agriculture
2	Representative Poppell offered the following:
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4	Amendment (with title amendment)
5	Between lines 185-186, insert:
6	Section 7. Section 570.954, Florida Statutes, is created
7	to read:
8	570.954 Farm to Fuel.—
9	(1) Short title This section may be cited as the "Florida
10	Farm to Fuel Act."
11	(2) Legislative findings and intentThe Legislature finds
12	that:
13	(a) Utilization of Florida crops and biomass for production
14	of bioenergy is important for the state's future energy
15	stability, protection of its environment and continued viability
16	of the state's agriculture industry.
17	(b) The development of bioenergy will help to reduce demand
18	for foreign fuels, reduce pollution, and promote economic
19	growth.
20	(c) There is a need to assist in the production and
21	distribution of bioenergy.

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- (d) The state is ideally positioned to produce bioenergy due to its vast amount of farm acreage and mild climate, which permits crops to be grown virtually year round, and availability of other biomass.
 - (3) Purpose. -- This act is intended to provide grants to:
- (a) Stimulate capital investment in the state and to enhance the market for and promote the production and distribution of bioenergy.
- (b) Advance the already growing establishment of bioenergy technologies in the state and attract additional bioenergy production in the state.
- (c) Demonstrate technologies or processes that convert Florida grown crops, agricultural wastes and residues, or other biomass into bioenergy.
 - (4) Definitions.--As used in this act, the term:
 - (a) "Act" means the Florida Farm to Fuel Act.
- (b) "Biomass" means a power source that is comprised of, but not limited to, combustible residues or gases from forest products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.
- (c) "Department" means the Department of Agriculture and Consumer Services.
- (d) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other entity, public or private, however organized.
 - (5) Farm to Fuel Grants Program. --

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- (a) The Farm to Fuel Grants Program is established within the department to provide grants for research, development and demonstration of commercial applications of bioenergy technology.
- (b) Grants for bioenergy projects may be made to any person based on the criteria in this section.
- (c) Factors the department may consider in awarding grants include, but are not limited to:
- 1. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy;
- 2. The degree to which a project produces bioenergy from Florida-grown crops or biomass;
- 3. The degree to which a project demonstrates efficient use of energy and material resources;
- 4. The degree to which the project fosters overall understanding and appreciation of bioenergy technologies;
- 5. The availability of matching funds and in-kind contributions from an applicant;
 - 6. Project duration and timeline for expenditures;
- 7. The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in Florida; and,
- 8. Preliminary market and feasibility research has been conducted by the applicant or others and there is a reasonable assurance of a potential market.
 - (6) Florida Farm to Fuel Advisory Council. --

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- (a) The Commissioner of Agriculture and Consumer Services
 may appoint a Florida Farm to Fuel Advisory Council pursuant to
 s. 570.0705.
- (b) The council shall provide advice and counsel to the Commissioner of Agriculture and Consumer Services on the production of bioenergy in the state.
- (c) The council shall be comprised of a diverse group of stakeholders, including the agriculture industry, researchers, fuel suppliers, technology manufacturers, environmental interests and others.
- (7) The department may adopt rules pursuant to ss. 120.536 and 120.54 to implement the provisions of this section.

Section 8. Farm to Fuel production tax credit.--

- (1) TAX CREDIT. -- For tax years beginning on or after

 January 1, 2007, a credit against the tax imposed by Chapter 220

 shall be granted in an amount to be determined as follows:
- (a) A taxpayer that produces ethanol at a facility located in Florida is entitled to a credit against the taxpayer's state tax liability equal to the product of twenty cents (\$.20) multiplied by the number of gallons of ethanol produced at the facility using Florida grown commodities.
- (b) A taxpayer that produces biodiesel at a facility located in Florida is entitled to a credit against the taxpayer's state tax liability equal to the product of twenty cents (\$.20) multiplied by the number of gallons of biodiesel produced at the facility using Florida grown commodities.
- (2) RULES.--The Department of Revenue shall have the authority to adopt rules relating to the forms required to claim a tax credit under this section, the requirements and basis for

Amendment No. (for drafter's use only)

establishing an entitlement to a credit, and the examination and audit procedures required to administer this section.

(3) REPEAL.--The provisions of this section are repealed on July 1, 2010.

======== T I T L E A M E N D M E N T ========

Remove line 21 and insert:

accordingly; creating s. 570.954, F.S.; creating the "Florida

Farm to Fuel Act"; providing legislative findings and intent;

providing a purpose; providing definitions; establishing a grant

program within the Department of Agriculture and Consumer

Services; providing criteria for obtaining grants; establishing

a Florida Farm to Fuel Advisory Council; providing duties of the

council; providing membership of the council; allowing rule

adoption by the Department of Agriculture and Consumer Services;

providing a tax credit; providing criteria for obtaining tax

credit; allowing rule adoption by the Department of Revenue for

implementation of tax credit program; providing for repeal of

tax credit on July 1, 2010; amending s. 582.06, F.S.; revising

the

Agriculture Committee 2/22/2006 1:30:00PM

Location: 214 Capitol

Summary:

Agriculture Committee

Wednesday February 22, 2006 01:30 pm

HB 507 Favorable With Committee Substitute Yeas: 7 Nays: 0

Amendment 1 Adopted

HB 641 Favorable With Committee Substitute Yeas: 9 Nays: 1

Amendment 1 Adopted Without Objection

Amendment 1a Adopted Yeas: 8 Nays: 2

PCB AG 06-01 Favorable With Amendments Yeas: 6 Nays: 0

Amendment 1 Adopted

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